

**From:** John Roth  
**To:** Microsoft ATR  
**Date:** 1/28/02 4:52pm  
**Subject:** Microsoft Settlement

Dear Ladies and Gentlemen:

I would like to register my deep dissatisfaction with the settlement terms offered by the Justice Department to Microsoft. These terms are not in the public interest; rather, they seem to serve only the interest, not even of the shareholders, but of the executives of a few powerful corporations, including Microsoft.

I will not bother to repeat the observations of, for example, Consumers Union, but rather focus on one specific failure of the settlement: namely, to address the concerns of open-source software development.

Many the most important tools that I use in my work as a software developer are "open-source" software, including the GNU/Linux operating system. These are non-commercial products with many qualities that Microsoft products have never achieved, such freedom from crashes, support for networking with standard security protocols, compatibility between versions, and adaptability which make them ideally suited to software development. These products are developed largely on the volunteer work of thousands of developers; their quality stems directly from the openness and liberality of the copyright. Their low dollar cost does not reflect their value.

One of the greatest challenges in open-source software development is to implement interfaces to obfuscated, proprietary protocols that companies such as Microsoft develop to lock-out competitors. This point that was not lost on the Department of Justice only a year or two ago. Unfortunately, the terms of the settlement enable Microsoft to continue to use its monopoly power against open-source products, since many of the remedies that are supposed to prevent Microsoft from dominating by implementing proprietary protocols are conditioned on there being an economically viable corporation, rather than a more reasonable definition, perhaps in terms of the number of users represented.

This is a slap in the face to open-source developers, absolutely contrary to the public interest, which it is the Governments' special responsibility to protect, and a failure to enforce the spirit of anti-trust law, which is to prevent mere market domination from stifling competition. There is no real wealth created by Microsoft's use of proprietary protocols; only a guarantee of its ability to stifle alternative platforms in the future.

Your Truly,

John Charles Roth